

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ALVIN G. STANLEY,

Plaintiff,

V.

**COMMISSIONER
TIMOTHY C. WARD, et al.,**

Defendants.

NO. 5:23-cv-00112-MTT-MSH

ORDER OF DISMISSAL

Plaintiff Alvin G. Stanley, who is currently being held in the Metro Reentry Facility in Atlanta, Georgia, filed a handwritten document, which was docketed in this Court as a complaint under 42 U.S.C. § 1983. Compl., ECF No. 1. Because Plaintiff did not file his complaint on the required § 1983 form designed for use by prisoner litigants, he was ordered to do so. Order, ECF No. 10. Plaintiff was also ordered to file a proper and complete motion for leave to proceed *in forma pauperis*. *Id.*

Following the order to recast and file a proper order to proceed *in forma pauperis*, Plaintiff filed a recast complaint (ECF No. 12) and a motion to proceed *in forma pauperis* (ECF No. 13), along with various other motions (ECF Nos. 14-19). As relevant here, Plaintiff's motion to proceed *in forma pauperis* was granted, and Plaintiff was ordered to pay an initial partial filing fee of \$14.16. Order, ECF No. 20. Plaintiff was given fourteen days to pay the initial partial filing fee. *Id.* at 9.

More than fourteen days passed following entry of the order to pay the initial partial filing fee, and Plaintiff did not pay the fee or otherwise respond to that order. As a result,

Plaintiff was ordered to show cause to the Court why this case should not be dismissed based on his failure to pay the initial partial filing fee. Order to Show Cause, ECF No. 23. Plaintiff was given fourteen days to file his response and was cautioned that his failure to do so could result in the dismissal of his case. *Id.*

More than fourteen days passed following entry of the show cause order, during which Plaintiff did not respond to that order. The order to show cause was also returned to this Court as undeliverable. Mail Returned, ECF No. 25. Plaintiff has not communicated with this Court since June 2023, and specifically, Plaintiff did not file a notice of change of address. Plaintiff's failure to keep the Court apprised of his current address constitutes a failure to prosecute this case, which can result in the dismissal of this action.

Nevertheless, a search of the Georgia Department of Corrections Find an Offender website showed that Plaintiff had been moved from Dooly State Prison, where he was previously held, to the Metro Reentry Facility in Atlanta, Georgia. *See* Georgia Dep't of Corrs., Find an Offender, <http://www.dcor.state.ga.us/GDC/Offender/Query>, Query "Stanley, Alvin" (showing most recent institution as the Metro Reentry Facility) (last visited November 15, 2023). Thus, as it appeared that Plaintiff had never received the order to show cause, the Clerk was directed to update Plaintiff's address to the Metro Reentry Facility and forward a copy of the show cause order to Plaintiff at the Metro Reentry Facility. Order, ECF No. 26. Plaintiff was then given one more opportunity to respond to the show cause order. *Id.* Plaintiff was given fourteen days to respond and

was cautioned that his failure to do so would likely result in the dismissal of this case. *Id.*

More than fourteen days have now passed since the show cause order was entered, and Plaintiff has not responded to that order. Therefore, because Plaintiff has failed to respond to the Court's orders and has otherwise failed to prosecute this case, it is hereby **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE**. *See* Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 15th day of November, 2023.

S/ Marc T. Treadwell

MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT